

श्रताक्षारण EXTRAORDINARY

भाग II— बण्ड 2 PART II—Section 2

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या की जातो है जिससे कि यह भलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 9th January, 1991:—

I

BILL No. I of 1991

A Bill to provide for the constitution of a Board for the welfare and protection of rights of handicapped and for matters connected therewith or incidental thereto

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Board for Welfare and Protection of Rights of Handicapped Act, 1991.

Short tifle, extent and commence-

ment.

- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Board" means a Board for Welfare and Protection of Rights of Handicapped constituted under section 3;

- (b) "Chairperson" means the Chairperson of the Board appointed under sub-section (2) of section 3;
- (c) "Commissioner" means the Commissioner for Welfare of Handicapped appointed under sub-section (1) of section 5;
 - (d) "handicapped" means a person-
 - (i) visually handicapped; or
 - (ii) hearing handicapped; or
 - (iii) suffering from locomotor disability; or
 - (iv) suffering from mental retardation;
- (e) "hearing handicapped" means deafness with hearing impairment of 70 decibels and above, in the better ear, or total loss of hearing in both ears;
- (f) "locomotor disability" means a person's inability to execute distinctive activities associated with moving, both himself and objects, from place to place, and such inability resulting from affliction of either bones, joints, muscles or nerves;
- (g) "member" means a member of the Board appointed under clause (b) of sub-section (2) of section 3;
- (h) "mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterised by sub-normalcy of intelligence;
 - (i) "prescribed" means prescribed by rules made under this Act;
- (j) "visually handicapped" means a person who suffers from any of the following conditions, namely:—
 - (i) total absence of sight;
 - (ii) visual acquity not exceeding 6|60 or 20|200 (snellen) in the better eye with the correcting lenses;
 - (iii) limitation of the field of vision subtending an angle of degree or worse.

CHAPTER II

BOARD FOR WELFARE AND PROTECTION OF RIGHTS OF HANDICAPPED

- 3. (1) The Central Government shall constitute a body to be known as the Board for Welfare and Protection of Rights of Handicapped, to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
 - (2) The Board shall consist of-
 - (a) Chairperson to be nominated by the Central Government;
 - (b) six members to be nominated by the Central Government who are eminent in public life;
 - (c) Commissioner, the ex-officio Member-Secretary.

Constitution of Board for Welfare and Protection of Rights of Handicapped.

- 4. (1) The Chairperson and every Member shall hold office for such period, not exceeding three years, as may be specified by the Central Government in this behalf.
- (2) The Chairperson or a Member may, by writing under his hand addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of Member.
- (3) The Central Government shall remove a person from the office of Chairperson or a Member referred to in sub-section (2) if that person—
 - (a) becomes an undischarged insolvent; or
 - (b) gets convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or
 - (c) becomes of unsound mind and stands so declared by a competent court; or
 - (d) refuses to act or becomes incapable of acting; or
 - (e) is, without obtaining leave of absence from the Board, absent from three consecutive meetings of the Board; or
 - (f) in the opinion of the Central Government has so abused the position of Chairperson or the Member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

- (4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nominations.
- (5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson, and Members shall be such as may be prescribed.
- 5. (1) The Central Government shall appoint the Commissioner for Welfare of Handicapped to exercise such powers and perform such duties under the direction of the Board as may be prescribed or delegated to him by the Chairperson.
- (2) The Board shall, with the previous sanction of the Central Government, employ such officers and other employees as it deems necessary to carry out the purposes of the Board.
- (3) The salaries and allowances payable to, and other terms and conditions of service of, the Commissioner and other officers and employees appointed for the purpose of the Board, shall be such as may be prescribed.
- 6. The salaries and allowances nayable to the Chairperson. Members and the Commissioner and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees, referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 10.

Terms of office and conditions of service of Chairperson and Members.

sioner, officers and other employess of the Board.

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Salaries and allowances to be paid out of grants. Vacancies, etc., not to invalidate proceedings of the Board.

7. No Act or proceeding of the Board shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Board.

Procedure to be regulated by the Board.

- 8. (1) The Board shall meet as and when necessary and shall meet at such time and place as the Chairperson may think fit.
 - (2) The Board shall regulate its own procedure.
- (3) All orders and decisions of the Board shall be authenticated by the Commissioner or any other officer of the Board duly authorised by the Commissioner in this behalf.

CHAPTER III

FUNCTIONS OF THE BOARD

Functions of the Board.

- 9. (1) The Board shall perform all or any of the following functions, namely:—
 - (a) investigate and examine all matters relating to the rights and safeguards provided for handicapped under any law or orders issued by the Government;
 - (b) present to the Central Government, annually and at such other times as the Board may deem fit, reports upon the working of those rights and safeguards;
 - (c) make in such reports recommendations for the effective implementation of those rights and safeguards for the welfare and protection of the rights of handicapped by the Union or any State;
 - (d) look into complaints and take suo moto notice of matters relating to—
 - (i) deprivation of rights of handicapped;
 - (ii) non-implementation of laws enacted for welfare and protection of rights of handicapped;
 - (iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to handicapped,

and take up the issues arising out of such matters with appropriate authorities;

- (e) undertake promotional and educational research so as to suggest ways of ensuring welfare and protection of rights of handicapped in all spheres and identify factors responsible for impeding their advancement;
- (f) evaluate the progress in the development of welfare of handicapped under the Union and any State;
- (g) make periodical reports to the Government on any matter pertaining to welfare of handicapped;

- (h) any other matter which may be referred to it by the Central Government.
- (2) The Central Government shall cause all the reports referred to in clause (b) of sub-section (1) to be laid before each House of Parliament along with the memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.
- (3) Where any such report or any part thereof relates to any matter with which any State Government is concerned, the Board shall forward a copy of such report or part thereof to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.
- (4) The Board shall, while investigating any matter referred to in clause (a) or sub-clause (i) of clause (d) of sub-section (1), have all the powers of a civil court trying a suit and, in particular, in respect of the following matters, namely:—
 - (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
 - (b) requiring the discovery and production of any document;
 - (c) receiving evidence on affidavits;
 - (d) requisitioning any public record or copy thereof from any court or office;
 - (e) issuing commissions for the examination of witnesses and documents; and
 - (f) any other matter which may be prescribed.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT OF THE BOARD

10. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Board by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants
by the
Central
Government.

- (2) The Board may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).
- 11. (I) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit,

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

- (3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Board under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.
- (4) The accounts of the Board, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Board.

Annual report

12. The Board shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual report and audit report to be laid before Parliament.

13. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

CHAPTER V

MISCELLANEOUS

Chairperson,
Members,
Commissioner,
and
staff of
the
Board
to be
public
servants.

14. The Chairperson, Members, the Commissioner and other officers and employees of the Board, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken in good faith.

15. No suit, prosecution or other legal proceedings shall lie against the Board or any officer or other employee of the Board or any other person authorised by the Board to discharge any function under this Act, or any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act or rules made thereunder.

Power to make rules

- 16. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (a) salaries and allowances payable to, and the other matters and conditions of service of, the Chairperson and Members under

- sub-section (5) of section 4 and of officers and other employees under sub-section (2) of section 5;
- (b) powers and duties of the Commissioner under sub-section (1) of section 5;
- (c) other matters under clause (f) of sub-section (4) of section 9;
- (d) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 11;
- (e) the form in, and the time at, which the annual report shall be prepared under section 12;
- (f) any other matter which is required to be, or may be, prescribed.
- (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There is, at present, no focal point for addressing genuine grievances of the handicapped. It is, therefore, proposed to constitute a Board for Welfare and Protection of Rights of Handicapped to facilitate redressal of grievances of handicapped. The main task of the Board shall be to investigate and examine all matters relating to the rights and safeguards provided for handicapped persons under any laws or orders issued by the Central and State Governments. The Board will also look into the complaints and take suo moto revision of matters relating to deprivation of rights of handicapped, non-implementation of laws enacted for welfare and protection of rights of handicapped and non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardship and ensuring welfare and providing relief to the handicapped.

2. The Bill seeks to achieve the aforesaid objectives.

RAMJI LAL SUMAN.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Board for Welfare and Protection of Rights of Handicapped. Clause 6 of the Bill provides for payment of salaries and allowances to the Chairperson. Members and the Commissioner for Welfare of Handicapped. The entire expenditure on account of the Board shall be met out of grant paid by the Central Government to the Board, after due appropriation made by Parliament under clause 10 of the Bill.

- 2. The estimated annual expenditure, both recurring and non-recurring in respect of the Board, would be approximately rupees fifteen lakhs.
- 3. The Bill, when enacted, will not involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. Such rules may, among other things, provide for salaries and allowances payable to, and other terms and conditions of service of the Chairperson, Members, the Commissioner and other officers and employees of the Board, the form in which the annual statement of accounts shall be maintained and the form in, and the time at, which the annual report shall be prepared.

2. As the matters in respect of which rules may be made are matters of procedure and of administrative detail, the delegation of legislative power is of a normal character.

П

BILL NO. II of 1991

A Bill to provide for the constitution of a Trust for the welfare of persons with mental retardation and cerebral palsy and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Trust for Welfare of Persons with Mental Retardation and Cerebral Palsy Act, 1991.

Short title, extent and commencement.

- (2) It extend to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. In this Act, unless the context otherwise requires,-

Definitions.

(a) "cerebral palsy" means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri-natal or infant period of development;

- (b) "Chairperson" means the Chairperson of the Trust appointed under clause (a) of sub-section (4) of section 3;
- (c) "Chief Executive Officer" means the Chief Executive Officer appointed under sub-section (1) of section 7;
- (d) "Member" means a Member of the Trust appointed under clause (b) of sub-section (4) of section 3;
- (e) "mental retardation" means a condition arrested or incomplete development of mind of a person which is specially characterised by sub-normality of intelligence;
 - (f) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

THE NATIONAL TRUST FOR WELFARE OF PERSONS WITH MENTAL RETARDATION AND CEREBRAL PALSY

Constitution and
incorporation of
National
Trust for
Welfare of
persons
with
Mental
Retardation and
Cerebral
Palsy.

Term of office of

Chair-

person and

Members.

- 3. (1) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be constituted for the purposes of this Act, a Trust to be called the National Trust for Welfare of persons with Mental Retardation and Cerebral Palsy.
- (2) The Trust shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immoveable, and to contract and shall by the same name sue and be sued.
- (3) The head office of the Trust shall be at Delhi and the Trust may, with the previous approval of the Central Government, establish offices at other places in India.
 - (4) The Trust shall consist of the following members, namely: -
 - (a) a Chairperson to be appointed by the Central Government, who is eminent in public life;
 - (b) not more than nine members to be appointed by the Central Government to represent voluntary organisations, associations of parents and such other bodies as may be prescribed;
 - (c) four members to be appointed by the Central Government to represent respectively the Ministries of the Central Government dealing with—
 - (i) Welfare;
 - (ii) Health;
 - (iii) Labour; and
 - (iv) Finance:
 - (d) the Chief Executive Officer, ex officio Member-Secretary.
- 4. (1) The Chairperson or a Member shall hold office for a term of three years from the date of his appointment or until his successor shall have been duly appointed, whichever is longer.
- (2) The other conditions of service of members shall be such as may be prescribed.

- (3) A casual vacancy in the Trust shall be filled in accordance with the provisions of section 3 and the persons so appointed shall hold office only for the remainder of the term for which the Member, in whose place he was appointed, would have held that office.
- (4) The Trust shall meet at least once in each year at such time and place as may be appointed by the Trust and shall observe such rules of procedure in the transaction of business at a meeting as may be prescribed.
- (5) The Chairperson or, if for any reason, he is unable to attend the meeting of the Trust, any Member elected by the Members present from amongst themselves at the meeting, shall preside at the meeting.
- (6) All questions which come up before any meeting of the Trust shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson, or in his absence, the person presiding shall have a second or casting vote.
 - 5. No person shall be a member if he-

Disqualifications.

- (a) is, or becomes, of unsound mind or is so declared by a competent court; or
- (b) is, or has been, convicted of any offence which, in the opinion of the Central Government, involves moral turpitude; or
 - (c) is, or at any time has been, adjudicated as an insolvent.
- 6. If a Member,

Vacation of office by Members.

- (a) becomes subject to any of the disqualifications mentioned in section 5; or
- (b) is, without obtaining leave of absence, absent from three consecutive meetings of the Trust.

his seat shall thereupon become vacant.

7. (1) The Central Government shall appoint the Chief Executive Officer to exercise such powers and perform such duties under the direction of the Trust as may be prescribed or as may be delegated to him by the Chairperson.

Chief
Executive
Officer
and staff
of the
Trust

- (2) The Trust shall, with the previous sanction of the Central Government, employ such officers and other employees as it deems necessary to carry out the purposes of this Act.
- (3) The terms and conditions of service of the Chief Executive Officer, other officers and employees of the Trust shall be such as may be provided by regulations.
- 8. No act or proceeding of the Trust shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Trust.

CHAPTER III

FUNCTIONS OF THE TRUST

9. The functions of the Trust shall be—

(a) to arrange and provide care and rehabilitation to the persons with mental retardation and cerebral palsy;

Vacancy
in the
Trust
not to
invalidate
acts, etc.

Functions of Trust.

- (b) to set up homes and service institutions for the persons with mental retardation and cerebral palsy;
- (c) to provide guidelines, aid and assistance to the organisations providing care and rehabilitation services to the persons with mental retardation and cerebral palsy;
 - (d) to provide guardianship and foster care;
- (e) to strengthen and support the welfare programmes of families, foster families, parent associations and voluntary organisations;
- (f) to receive from the parents the properties bequeathed by them for the maintenance of their children with mental retardation or cerebral palsy; and
- (g) to undertake such other activities for the promotion of care and rehabilitation of the persons with mental retardation and cerebral palsy.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT OF THE TRUST

Payment to Trust.

10. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Trust in each financial year such sums as may be considered necessary for the exercise of powers and efficient discharge of functions of the Trust under this Act.

Funds of Trust.

- 11. (1) The Trust shall maintain a Fund to which shall be credited-
 - (a) all moneys received from the Central Government;
- (b) all moneys received by the Trust by way of grants, gifts, donations, benefactions, bequests or transfers; and
- (c) all moneys received by the Trust in any other manner or from any other source.
- (2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Trust may, subject to the approval of the Central Government, decide.
- (3) The Fund shall be applied towards meeting the administrative and other expenses of the Trust including expenses incurred in the exercise of its powers and discharge of its functions in relation to any of the activities under section 9 or in relation to any of the activities referred to therein or for anything relatable thereto.

Budget of Trust. 12. The Trust shall prepare, in such form and at such time each financial year as may be prescribed, a budget for the next financial year showing the estimated receipts and expenditure of the Trust and shall forward the same to the Central Government.

Accounts and audit of Trust.

13. (1) The Trust shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may prescribe and in accordance with such general direction as may be issued by that Government in consultation with the Comptroller and Auditor-Gentral of India.

- (2) The accounts of the Trust shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Trust to the Comptroller ond Auditor-General of India.
- (3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Trust shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office or offices of the Trust.
- (4) The accounts of the Trust as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.
- 14. The Trust shall prepare every year, in such form and within such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

Annual report of Trust.

15. All orders and decisions of the Trust shall be authenticated by the signature of the Chairperson and all other instruments issued by the Trust shall be authenticated by the signature of the Chief Executive Officer or any other officer authorised by him in this behalf.

Authontication of orders and instruments of Trust,

16. The Trust shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

Returns and information.

CHAPTER V

MISCELLANEOUS

17. (1) The Trust shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.

Directions by the Central Government.

- (2) The decision of the Central Government as to whether the question is one of policy or not shall be final.
- 18. (1) If the Central Government is of opinion that the Trust is unable to perform or has presistently made default in the performance of the duty imposed on it by or under this Act or has exceeded or abused its powers or has wilfully or without sufficient cause failed to comply with any direction issued by the Central Government under section 17, the Central Government may, by notification in the Official Gazette, supersede the Trust for such period as may be specified in the notification:

Power to supersede the Trust.

Provided that before issuing a notification under this sub-section the Central Government shall give a reasonable time to the Trust to show cause why it should not be superseded and shall consider the explanation and objections, if any, of the Trust.

- (2) Upon the publication of a notification under sub-section (1) superseding the Trust—
 - (a) all the Members of the Trust shall, notwithstanding that their term of office had not expired, as from the date of supersession, vacate their offices as such Members;
 - (b) all the powers and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Trust shall, during the period of supersession, be exercised and performed by such person or persons as the Central Government may direct;
 - (c) all property vested in the Trust shall, during the period of supersession, vest in the Central Government.
- (3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—
 - (a) extend the period of supersession for such further period as it may consider necessary; or
 - (b) reconstitute the Trust in the manner provided in section 3.

43 of 1961.

Exemption from tax on income. 19. Notwithstanding anything contained in the Income-tax Act, 1961 or any other enactment for the time being enforce relating to tax on income, profits or gains, the Trust shall not be liable to pay incometax or any other tax in respect of its income, profits or gains derived.

Protection of action taken in good

faith.

20. No suit, prosecution or other legal proceedings shall lie against the Trust, or the Chairperson or any Member, or any officer or other employee of the Trust, or any other person authorised by the Trust to discharge any functions under this Act, or any loss or damage caused or likely to be caused by any thing which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Chair, person, members and officers of the Trust to be public servants.

21. The Chairperson, members, officers and other employees of the Trust, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Delegation.

22. The Trust may, by general or special order in writing, delegate to the Chairperson or any other Member or to any officer of the Trust, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act (except the powers under section 24) as it may deem necessary.

Power to make rules.

23. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act,

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (a) the persons representing other bodies under clause (b) of sub-section (4) of section 3:
 - (b) conditions of service of Members under sub-section (2) of section 4:
 - (c) rules of procedure in the transactions of business at meetings of the Trust under sub-section (4) of section 4;
 - (d) powers and duties of the Chief Executive Officer under sub-section (1) of section 7:
 - (e) the form in, and the time at, which the budget of the Trust shall be forwarded to the Central Government under section 12;
 - (f) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 13;
 - (g) the form in which, and the time within which, the annual report shall be prepared under section 14; and
 - (h) any other matter which is required to be, or may be, prescribed.
- 24. (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act.

Power to make regulations.

- (2) In particular, and without prejudice to the generality of the foregoing powers, such regulations may provide for the terms and other conditions of service of the Chief Executive Officer and other officers and employees of the Trust under sub-section (3) of section 7.
- 25. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules and regulations to be laid before Parliament.

STATEMENT OF OBJECTS AND REASONS

The question of the welfare of the persons with mental retardation and cerebral palsy has been engaging the attention of the Government for a long time. One of the commonest worries which is engaging the attention of the Government is how the persons with mental retardation and cerebral palsy would be taken care of particularly after their parents demise. It is, therefore, considered necessary to have a statutory body to take care of this problem. It is, therefore, decided to constitute a National Trust to be known as the National Trust for persons with mental retardation and cerebral palsy. The main task of this Trust will be to arrange and provide care and rehabilitation to such persons, to provide guidelines, aids and assistance to the organisations providing such care, to receive and manage the properties bequeathed by the parents and for the maintenance of their children and foster care to them.

- 2. The Trust will be empowered to receive moneys by way of grants, gifts, donations, benefactions, bequests and transfers. The Central Government will also pay to the Trust such sums of money, as may be considered necessary, to enable the Trust to exercise its powers after due appropriation by Parliament.
 - 3. The Bill seeks to achieve the aforesaid objectives.

RAMJI LAL SUMAN.

FINANCIAL MEMORANDUM

The Bill provides for the constitution of a National Trust for welfare of persons with mental retardation and cerebral palsy. Clause 10 of the Bill provides for payments of such sums of money to the Trust, as may be considered necessary, by the Central Government after due appropriation made by Parliament. The Central Government would provide a sum of one crore rupees to the Trust to meet its initial expenses. Eventually the Trust is expected to become viable and meet its own expenses.

2. The Bill, when enacted, will not involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 23 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. Such rules may, among other things, provide for specifying persons to be appointed as Members of the Trust representing other bodies, rules and procedure in the transaction of business at meetings of the Trust. powers and duties of the Chief Executive Officer, the form in which annual statement of accounts shall be maintained and the form in, and the time within, which annual report of the Trust shall be prepared.

- 2. Clause 24 of the Bill empowers the Trust to frame regulations, with the previous approval of the Central Government, to provide for the terms and other conditions of service of the Chief Executive Officer and other officers and employees of the Trust.
- 3. As the matters in respect of which rules and regulations may be made are matters of procedure and of administrative detail, the delegation of legislative powers is of a normal character.

SUDARSHAN AGARWAL, Secretary-General.